

AMENDMENTS TO THE DRAWINGS:

Please substitute the attached replacement sheets for the sheets containing Figs. 1-14 and 16 of the drawings as originally filed. Annotated sheets showing the changes to the figures are also attached.

Attachments: Replacement Sheets (7)
 Annotated Sheets (7)

REMARKS

Applicants respectfully request favorable reconsideration of this application, as amended.

As a preliminary matter, the Office Action states that the election of species was made without traverse in the reply filed on March 28, 2007. However, Applicants did, in fact, distinctly point out the error in the election requirement - namely, that the requirement failed to apply the PCT unity of invention standard applicable to the instant U.S. national stage application. Because the election requirement was based on U.S. restriction practice rather than the PCT unity of invention standard, the requirement is manifestly improper. Accordingly, if the Examiner does not see fit to withdraw the requirement, which would clearly be the appropriate course of action, Applicants reserve the right to petition the improper election requirement in due course.

Turning now to the issues raised in the outstanding Office Action, the specification and drawings have been revised to address the Examiner's objections with the exception of paragraph 3c. In paragraph 3c of the Office Action, Fig. 7 is objected to for allegedly failing to show the elements 13, 13c, and 13d as different materials. However, the provision of 13c and 13d as different materials

from element 13 is only one possible embodiment for Applicants' invention and not a requirement. Accordingly, this aspect need not be shown in Fig. 7.

By this Amendment, certain claims have been revised to address the issues noted in the rejections under 35 U.S.C. § 112, second paragraph, and otherwise to improve the language. A number of the withdrawn claims have been revised on the assumption that the requirement for election of species will be reconsidered, giving due consideration to the PCT unity of invention standard. Claim 5 has also been amended to more particularly recite certain distinctive aspects which Applicants regard as their invention. Claims 20, 27, 28, and 30 have been revised in view of the amendments to Claim 5. Claims 8, 21, and 29 have been cancelled without prejudice or disclaimer. Claim 31 has been added to provide more comprehensive protection for certain aspects of the invention. Thus, Claims 1-7, 9-20, 22-28, 30, and 31 are pending, with Claims 5-7, 20, 26, 27, 30, and 31 currently being active. Of the currently active claims, Claim 5 is independent.

Without acceding to the outstanding rejections under 35 U.S.C. § 102(b), Claim 5 has been amended to incorporate certain aspects of Claim 29. For example, Claim 5 now recites that the dust cover includes a plurality of bellows

portions having elasticity provided between the cylindrical contact member and an attachment portion. Claim 5 further recites that each bellows portion is fixedly attached at an inner diameter side to the cylindrical contact member and at an outer diameter side to the attachment portion.

Of the references applied in the outstanding rejections under 35 U.S.C. § 102(b), only the McMillen reference (U.S. Patent No. 5,897,119) was applied to Claim 29. Accordingly, Applicants address McMillen in more detail below, it being readily apparent that the other applied references fail to teach or suggest the aforementioned features of Applicants' invention, as now set forth in Claim 5.

McMillen teaches a plurality of alleged bellows portions 32 and 34 having elasticity between a shaft 14 and an outer wall 26. However, in contrast to the claimed invention, the portions 32, 34 are not fixedly connected at their outer diameter sides. Instead, the portions are allowed to float at their outer diameter sides with respect to the reception bore 20 (see column 4, lines 20-25). Accordingly, McMillen does not teach or suggest the bellows portions fixedly attached at an inner diameter side to the cylindrical contact member and at an

outer diameter side to the attachment portion, as presently claimed.

Further, Applicants note that McMillen applies to a wiper seal assembly for sealing engagement on a reciprocating shaft within a fluid-containing housing (i.e., the pump housing of a hydraulic system) and not to a dust cover for a steering shaft. Because of the different operative environments, the skilled practitioner in the art of the invention would not consider the teachings of McMillen for a seal in a fluid-containing housing to be applicable to a dust cover for a steering shaft.

Accordingly, Claims 5-7, 20, 26, 27, 30, and 31 are in condition for allowance, and an early Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-10279) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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